

Below is the Order of the Court.



Marc Barreca
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

IN RE:

CASEY INGELS,

Debtors.

JOHN S. PETERSON, the Chapter 7 Trustee for
the Estate of CASEY INGELS

Plaintiff,

v.

CASEY INGELS,

Defendants.

NO. 14-10421MLB

ADV. NO. 14-01387MLB

PRETRIAL ORDER

JURISDICTION

A. The court has jurisdiction over this matter pursuant to 28 USC 157 and 1334.

B. Venue is proper pursuant to 18 USC 1409.

C. This is a core proceeding pursuant to 28 USC 157(b)(2).

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JOHN S. PETERSON

ATTORNEY AT LAW

PO BOX 829

KINGSTON, WA 98346

(360)626-4392

kingstontrustee@hotmail.com

CLAIMS AND DEFENSES

The parties disagree as to the claim the plaintiff will be able to pursue at trial.

The plaintiff asserts the claim as follows:

The plaintiff will pursue at trial denial of the Defendant's discharge pursuant to 11 USC 727(a)(4)(A) and alleges the debtor made false statement regarding material facts and that the false statements were made knowingly and fraudulently regarding the Defendant's testimony at the 341 meeting.

The defendant asserts the claim is as follows:

As alleged in the Plaintiff's Complaint, did the Defendant knowingly and fraudulently make false statements at the 341 Meeting regarding a material fact related to the funding of the MJ Ray Ingels Family Irrevocable Trust, property at 9830 Dekoven Dr. SW, Lakewood, Washington, transfers of the property to and from the trust and to MJB Consulting, LLC, and his knowledge of MJB Consulting, LLC? No other specific factual allegations were made in the Plaintiff's Complaint that can be relied upon in order to survive a motion to dismiss for failure to state a claim. The Plaintiff should be limited to the specific factual allegations made against the Defendant in order to prevent prejudice against the Defendant for having to defend against unspecified claims and allegations.

ADMITTED FACTS

The following facts are admitted by the parties:

1. The Defendant filed a Chapter 7 bankruptcy petition on January 23, 2014.
2. The Defendant appeared at a 341 meeting on March 11, 2014, and provided testimony under oath at the hearing.
3. With the petition, the Defendant filed schedules of his assets and liabilities and a Statement of Financial Affairs.
4. The Defendant amended his bankruptcy schedules January 24, 2014, April 8, 2014, and November 17, 2014.
5. In the April 8, 2014 amendment, the debtor listed the MJ Ray Ingels Family Irrevocable Trust and indicated it was not property of the bankruptcy estate.

ISSUES OF LAW

The parties disagree as to the issue of law to be presented.

1 The plaintiff states the issue of law as: Did the Defendant knowingly and fraudulently make false
statements regarding a material fact at the 341 meeting?

2 The defendant states the issue of law as: Did the Defendant knowingly and fraudulently make false
statements at the 341 meeting regarding a material fact related to the funding of the MJ Ray Ingels Family
3 Irrevocable trust, property at 9830 Dekoven Dr. SW, Lakewood, Washington, transfers of the property to
4 and from the trust and to MJB Consulting, LLC, and his knowledge of MJB Consulting, LLC?

5 EXPERT WITNESSES

6 (a) Each party shall be limited to 0 expert witness(es) on the issues of the issue upon which each will
testify is:

7 (1) None on behalf of plaintiff;

8 (2) None on behalf of defendant.

9 OTHER WITNESSES

10 Defendant asserts that the Plaintiff should be barred from calling any witnesses because the Plaintiff's
11 Pretrial Statement was delivered to the Defendant late. Defendant further asserts that the Plaintiff should
be barred from testifying pursuant to RPC 3.7.

12 The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and
13 the general nature of the testimony of each are:

14 (a) On behalf of plaintiff:

15 John Peterson-Will testify to administration of the bankruptcy case and the 341 meeting of March
11, 2014

16 Casey Ingels-Will testify regarding statements made in his schedules and at the 341 meeting which
17 occurred March 11, 2014

18 (b) On behalf of defendant:

19 Casey Ingels-Will testify defending against claim brought by Plaintiff

20 Tricia Yue-Will testify as to formation and oversight of MJ Ray Ingels Irrevocable Trust

21 Gwen Ingels- May testify to formation of MJ Ray Ingels Irrevocable Trust and related matters

22 Kathryn Hanson-May testify about business relationship with Debtor

23 EXHIBITS

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Defendant asserts that the Plaintiff should be barred from presenting any exhibits because the Plaintiff's Pretrial Statement was delivered to the Defendant late.

(a) Admissibility stipulated (dependent on ruling on Defendant's objection, above):

P-1 Copies of Bankruptcy Petition, SOFA, Schedules filed January 23, 2014, Expect to Offer

P-2 Amendment Filed April 8, 2014-Expect to Offer

P-3 Amendment Filed November 17, 2014

P-4 Copies of MJ Ingels Irrevocable Trust-Expect to Offer

P-5 Copy of Deed of Trust related to Dekoven Property signed by Patricia Yu-Expect to Offer

P-6 Copy of Decree of Dissolution-Lincoln County No. 09-00283-0 Expect to Offer

P-7 Copy of Special Warranty Deed conveying Dekoven Property to Yu, Trustee Expect to Offer

P-8 Copy of Quit Claim Deed, MJ Ray Ingels Trust to MJB Consulting, LLC, Offer if need arises

P-9 Note signed by Casey Ingels dated December 2, 2009 in favor of Paulson Trust, Expect to Offer.

P-10 Declaration of Patricia Yu in Support of Defendant's Motion for Summary Judgment, Expect to Offer

P-11 Declaration of Gwen Ingels in Support of Defendant's Motion for Summary Judgment, Offer if need arises

P-12 Declaration of Casey Ingels in Support of Defendant's Motion for Summary Judgment, Offer if need arises.

P-13 Declaration of Katherine Hanson in Support of Defendant's Motion for Summary Judgment, Offer if need arises.

P-14 Federal Tax Returns of Casey Ingels for 2012 and 2013, Offer if need arises.

The defendant does not stipulate to the authenticity and admissibility of the following exhibit:

P-15 Audio Recording of Bremerton 341 Meeting, March 11, 2014. Expect to Offer.

Admissibility Stipulated:

D-1 Copies of Bankruptcy Petition, SOFA, Schedules and Amendments, Expect to Offer

D-2 Copies of MJ Ingels Irrevocable Trust-Expect to Offer

D-3 Copy of Deed of Trust related to Dekoven Property signed by Patricia Yu-Expect to Offer

D-4 Copy of Decree of Dissolution-Lincoln County No. 09-00283-0 Expect to Offer

D-5 Copy of Special Warranty Deed conveying Dekoven Property to Yu, Trustee Expect to Offer

D-6 Copy of Quitclaim Deed signed by Patricia Yu to Paulson Living Trust, Expect to Offer

D-7 Copy of Deed in Lieu of Foreclosure, Expect to Offer

D-8 Plaintiff's Answers to Defendant's First Interrogatories, May Offer

D-9 Plaintiff's Response to Defendant's Motion for Summary Judgment, May Offer

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1 D-10 Plaintiff's Initial Disclosures, May Offer

2 D-11 Plaintiff's Declaration in Support of Response to Summary Judgment Motion

3 (No party is required to list any exhibit which is listed by another party, or any exhibit to be used for
4 impeachment only.)

5 ACTION BY THE COURT


6 (a) This case is scheduled for trial on June 8, 2015, at 10:30 am.

7 (b) Trial briefs shall be submitted to the court on or before June 1, 2015.

8 (c) (The court has previously denied the Defendant's motion for summary judgment.

9 This order has been approved by the parties as evidenced by the signatures of their counsel. This
10 order shall control the subsequent course of the action unless modified by a subsequent order. This order
11 shall not be amended except by order of the Court.

12 Presented by:

13 
14 JOHN S. PETERSON, Trustee

Approved for Entry

15 /s/ Jannie McFarlane
16 JAMIE J. McFARLANE, WSBA #41320
17 Attorney for Defendant Casey Ingels

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JOHN S. PETERSON
ATTORNEY AT LAW
PO BOX 829
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